

הלכה ברורה

Halacha Berurah

בס"ד

צעירי
אגודת
ישראל



Volume 6. Issue 9.
• Email Edition •

The *Halachos* of *Yichud*

Reviewed by Horav Shlomo Miller

The prohibition of *yichud* restricts a man and a woman who are not married to each other or are not closely related blood relatives from being *misyacheid* - being alone together for a specific amount of time in an isolated area.¹ The prohibition of *yichud* serves to prevent one from being in a situation where there may be a possibility of engaging in an immoral act.² The *issur* of *yichud* applies both to the man and the woman equally.³ Most *Rishonim* maintain that *yichud* with a person to whom one is forbidden to marry *Mideoraisah* (e.g. a man who is *misyacheid* with a married woman), is *ossur Mideoraisah*.⁴ Dovid Hamelech and his *Beis Din* further forbade one from being *misyacheid* with any unmarried girl, even a girl who one is permitted to marry.⁵ If the girl is a *niddah* (which is generally the case for an unmarried girl), most *poskim* maintain that *yichud* is *ossur Mideoraisah*.⁶ A husband and wife may be *misyacheid* even if the wife is a *niddah*.⁷ The *talmidim* of Shammai and Hillel further forbade being *misyacheid* with a non-Jew.⁸ Knowing whether the act of *yichud* is forbidden *Mideoraisah* or *Miderabonon* is of vital importance when determining the permissibility of situations where there may be *halachic* uncertainties.⁹ It is imperative to mention at the onset of this issue, that in any situation not clearly delineated by the *poskim*, a *Rov* must be consulted for a final *psak*.

Yichud With a Relative

One is permitted to be *misyacheid* with several closely related blood relatives. For example, the *Mishnah* states that there is no *issur* of *yichud* between children and parents.¹⁰ The *poskim* extend this rule and maintain that there is also no *issur* of *yichud* between grandparents and their grandchildren.¹¹

The *poskim* mention that *yichud* amongst siblings is also permitted, although not to the same degree that it is permitted between children and parents (or grandparents). Children and parents may live together on a permanent basis, while a brother and a sister may only live together alone on a temporary basis, and not for an extended period of time.¹² There are different opinions as to the definition of 'an extended period of time'. Some *poskim* maintain that any time longer than three days is forbidden,¹³ while others hold that *yichud* in such a case is permitted for less than thirty

days.¹⁴ Rav Moshe Feinstein defines 'an extended period of time' by equating it with the stay of a typical house guest. *Yichud* which lasts longer than the amount of days that an ordinary guest would remain in the house is considered an extended amount of time and is forbidden between siblings of the opposite gender. According to Rav Moshe, a person may be *misyacheid* with their sibling who lives out of town for a longer period of time than with their other siblings.¹⁵

The *poskim* point out that this restriction on siblings only applies where they are staying together by themselves for an extended period of time. However, if the siblings are staying at home with their parents, it is not considered *yichud* since they are not by themselves. In such a case, the length of time that they live together in the house is unimportant. If the parents leave for a night and the siblings are left alone together, the resulting *yichud* is likewise permitted, since it is only temporary. However, if the parents leave for an extended period of time, care should be taken to follow the guidelines in this issue, so that no situation of *yichud* will arise. Please note: *Yichud* is forbidden between siblings if the parents leave for an extended period of time, even if the siblings are not alone together for 24 hours each day. As long as they are living together, it is forbidden.¹⁶

Rav Moshe Feinstein writes that an aunt may be *misyacheid* with her nephew, but only on a temporary basis. Other *poskim*, however, do not mention this leniency. Even according to Rav Moshe, the latter *halacha* is only applicable if the aunt and her nephew are blood relatives (e.g. the aunt is her nephew's parent's sister). An aunt through marriage may not be *misyacheid* with her nephew at all. Similarly, an uncle may not be *misyacheid* with his niece, even if he is a blood relative (e.g. the uncle is his niece's parent's brother), and even if it is only temporarily.¹⁷

Some *poskim* maintain that although it should not be done, there is no *issur* of *yichud* with one's daughter-in-law or mother-in-law. However, most *poskim* vehemently disagree and write that *yichud* in such a case is strictly forbidden.¹⁸

Age

The *Shulchan Aruch* writes that *yichud* is not forbidden with a boy who is less than nine years old, and is not forbidden with a girl who is less than three years old. Where the boy or the girl is older than these respective ages, *yichud* is forbidden.¹⁹ Some

Please Note: Due to the intricacy of the material discussed in each issue, and the brevity of its treatment, a *Rov* should be consulted for a final *psak halacha*. In addition, this publication does not intend to be מכריע on issues that are a *machlokes haposkim*. Although we have usually brought the dissenting views in the footnotes, we have selected for simplicity sake to incorporate into the main text the views of the *Mishnah Berurah*, R' Moshe Feinstein, R' Shlomo Zalmen Auerbach and several other preeminent *poskim*. Please send all questions and comments to 1341 E. 23rd Street, Brooklyn, NY 11210 or email to halachaberurah@thekosher.net

poskim write that in the time of the *Gemara*, it was common practice for marriage to take place at a much younger age than nowadays. This was due to the fact that they were physically stronger at that point in time, and girls were stronger and more mature at an earlier age than they are in our times. Therefore, *Chazal* forbade *yichud* with a girl of such a young age (i.e. three years old).²⁰ Some *poskim* suggest that perhaps nowadays *yichud* would be permitted with a girl up to the age of seven years old.²¹

We find a similar discussion concerning another area of *halacha* of reciting *krias shema* in front of an improperly dressed woman or girl. Many *poskim*, including the *Mishna Berurah*, maintain that once a girl is three years old, one should refrain from reciting *krias shema* in her presence if she is not properly dressed.²² The *Chazon Ish*, however, writes that one may be lenient in this regard until the girl is a bit older and is more physically mature.²³ In some communities, people are lenient in this regard until a girl is six or seven years old.²⁴ Many *poskim* maintain that one cannot draw a parallel between and the *halachos* of *krias shema* and the laws of *yichud*.²⁵

Rav Moshe Feinstein writes that in pressing situations, one may be lenient concerning the minimum age of a girl as it pertains to *hilchos yichud*, but for a different reason. He writes that until a child is about seven years old, there is no concern that a person might contemplate behaving improperly with the child for they would be afraid that the child will tell her parents. Based on the assumption that the person will have such a fear, *yichud* is permitted. Other *poskim* are more stringent, and forbid being *misyacheid* with a girl who is older than three. Additionally, Rav Moshe himself writes that one should preferably be stringent in this regard.²⁶

In regard to a boy, virtually all *poskim* agree that once the child is nine years old, the *issur* of *yichud* applies in the same manner as it does to an adult male.²⁷

Nonetheless, some *poskim* point out that when an adult is *misyacheid* with a child only the adult transgresses the *issur* of *yichud*. There is no *mitzvah* of *chinuch* regarding *yichud*, and therefore the child does not transgress any *issur*. Accordingly, the *poskim* maintain that there is no *issur* of *yichud* with respect to two children (e.g. a boy under *bar mitzvah* and a girl under *bas mitzvah*) who are alone together.²⁸

In certain situations, it is permitted for a woman to be alone with an old man who is sick and bedridden. (See footnotes for a discussion of this issue.)²⁹

Length of Time

The *poskim* write that the *issur* of *yichud* only applies if the people will be alone together for a given amount of time.³⁰ Some *poskim* write that *yichud* is not permitted for longer than five minutes.³¹ Other *poskim* are more stringent and maintain that any *yichud* that lasts longer than two or three minutes is forbidden.³² Even if one does not intend to be *misyacheid* for the forbidden amount of time, one may not be *misyacheid* if there is a possibility that the *yichud* will extend beyond the permitted amount of time.³³

Yichud In the Presence of Multiple People

The *Mishna* states that one man may not remain alone with two women (i.e. even two women). However, one woman may remain alone with two (or more) men. The *Meforshim* explain that women can be more easily persuaded to conduct an immoral act than men, especially if a woman sees the act being conducted in front of her by another woman. Therefore, the presence of an additional woman is insufficient to deter such behavior, and therefore *yichud* would be forbidden. The presence of another man does

negate a forbidden *yichud* situation. Therefore, a woman would be permitted in certain cases to be *misyacheid* with two men.³⁴

The *Gemara* stipulates that one woman may only be *misyacheid* with two men if the two men are not considered *prutzim*.³⁵ The *Rambam* maintains that average men may not be *misyacheid* with a woman since they are considered to be in the category of *prutzim*, and the *heter* is only applicable to extremely pious and virtuous individuals of high moral standards. Nowadays, all people are considered to be in the *Rambam's* category of average people. This is the opinion of the *Shulchan Aruch*. The *Rama*, however, rules in accordance with the more lenient opinion which permits two average men to be *misyacheid* with a woman, as we are not afraid that an average man is a *porutz*.³⁶ However, if there is a chance that the man may not be in complete control of his temptations even in his friend's presence, he is considered a *porutz*, and his presence would not permit *yichud*. This would be applicable to one who is not extremely scrupulous in the *halachic* standards of *tznius* in his daily activities.³⁷

The entire *heter* of one woman being *misyacheid* with two men is only applicable in an instance where there is no chance that one of the men will leave the area for the amount of time that would constitute a forbidden *yichud* or that one of the men will fall asleep (e.g. if the *yichud* is taking place at night). Where such a possibility does exist (i.e. one of the men may leave or fall asleep), an additional man (for a total of three men and one woman) is required to permit the men and the woman to be *misyacheid*.³⁸ Once three men are present, *yichud* is permitted even if all of the men are sleeping. The possibility that one of the men may awaken will deter any immoral activity.³⁹

Some *Rishonim* permit one man to be *misyacheid* with three or more women, if they are not working together. This *heter* should only be relied upon in extenuating circumstances, and after consultation with a *Rov*.⁴⁰

Situations Where *Yichud* is Not Applicable

There are several situations where the *issur* of *yichud* is not applicable:

בעיר בעלה – Husband Is In Town

The *Gemara* states that if a woman's husband is in town, one need not be concerned about *yichud*.⁴¹ Most *Rishonim* understand the *Gemara* in its literal sense, and rule that there is absolutely no problem of being *misyacheid* with a woman whose husband is in town.⁴² *Rashi*, however, explains that the *Gemara* is informing us that someone who was *misyacheid* with a woman whose husband is in town does not receive the punishment of *malkos* (lashes) from *Beis Din*. However, the *Gemara* does not permit one to be *misyacheid* with a woman whose husband is in town.⁴³ The *Shulchan Aruch* and most *poskim* rule leniently and permit one to initially be *misyacheid* with a woman whose husband is in town.⁴⁴ Some *poskim* write that one should avoid relying on this *heter*, unless there are other additional mitigating factors. The *minhag ha'olam* is to be lenient in this regard.⁴⁵

There is a *machlokes Rishonim* with regard to the understanding of the rationale behind the *heter* of בעיר בעלה. According to some *Rishonim*, the reasoning is that since the woman's husband is in town and can suddenly and unexpectedly appear at the place of the *yichud*, this realization deters the woman from conducting herself immorally.⁴⁶ Other *Rishonim* explain that it is the mere presence of her husband in close proximity which intimidates the wife and causes her to have this sense of trepidation, and she will therefore conduct herself properly.⁴⁷ A practical difference between the

two different explanations would be where the husband cannot suddenly and unexpectedly appear at the place of the *yichud*. This is common in many scenarios:⁴⁸

1. The husband is employed by someone who does not allow him to leave his job during the day.
2. The husband is in another part of the city, and it would take some time for him to reach the place of the *yichud*.
3. The husband does not know where his wife is being *misyacheid*.

According to the first explanation, since there is no fear that the husband may suddenly and unexpectedly appear at the place of the *yichud*, it would be forbidden in these cases. According to the second explanation, the mere presence of her husband in town is sufficient to prevent her from acting improperly. Therefore, *yichud* in these cases would be permitted. Most *poskim* rule stringently and maintain that unless there is a fear that the husband may suddenly and unexpectedly appear at the place of the *yichud*, one may not be *misyacheid*.⁴⁹

Some *poskim* maintain that in a case where the husband gave his wife permission to meet with another man, the *halacha* would be dependent on the above *machlokes* even if the husband knows where his wife is and would be able to appear unexpectedly. This is because there is no fear of being found alone together. In cases of extenuating circumstances, some *poskim* are lenient. In such a case, a *Rov* should be consulted.⁵⁰

In a case where the *heter* of בעיר בעלה does apply, it is sufficient for the woman merely to think that her husband is in town, even if that isn't actually the case.⁵¹

Some *poskim* mention that even if the husband is blind, the *heter* of בעיר בעלה is still applicable.⁵²

An important and relevant exception to the *heter* of בעלה בעיר is in a situation where a close affiliation exists between the man and the woman, as is common amongst the close relatives with whom the *issur* of *yichud* applies. Similarly, there is no *heter* of בעיר בעלה with respect to a business associate, a person who one has regular contact with, or even a person who is hired to clean one's house or office on a regular basis.⁵³

There is a *machlokes haposkim* whether the *heter* of בעלה בעיר permits a Jewish woman to be *misyacheid* with a non-Jew.⁵⁴ However, the accepted opinion is that a Jewish man may not be *misyacheid* with a non-Jewish woman, even if her non-Jewish husband is in the city.⁵⁵

As mentioned above, one man should not be *misyacheid* even with many women. However, some *poskim* write that if the husband of one of the women is in town, one may be *misyacheid* with all the women.⁵⁶ This could be relevant regarding meetings or lectures.⁵⁷

אשתו בעיר - Wife Is In Town

Virtually all *poskim* maintain that the *heter* of בעיר בעלה does not apply in the reverse scenario (i.e. where one's wife is in town – אשתו בעיר).

Concerning the *heter* of בעיר בעלה we discussed two reasons. According to the opinion that בעיר בעלה is permitted due to the intimidation caused by the knowledge that her husband is in town which causes her to conduct herself properly, this would obviously not apply in the reverse scenario. This is because a husband by nature is not intimidated by the fact that his wife is in town, and it will not cause him to behave differently. However, we do find that some *poskim* allude to the other reason even in the reverse scenario. The *Mishna* discusses the permissibility of a man teaching young children, since there exists the possibility of the teacher being in seclusion with the children's mothers when they come to bring or

pick up their children. Some *poskim* mention that if one's wife can appear unexpectedly it is permitted. The question remains as to how we define the *heter* of one's wife appearing unexpectedly. Some maintain that it is identical to the *heter* of בעלה בעיר, and as long as there exists the possibility of her appearance, it is permitted. Most *poskim*, however, rule stringently and maintain that only if the wife actually intends to show up periodically at the place of the *yichud*, and it is not just a possibility that she might decide to do so, the *yichud* is permitted. This is termed in *halacha* as *yotzei v'nichnas*.⁵⁸

According to all opinions, if the wife does not know where her husband is or she cannot appear at the place of *yichud* for whatever reason, no *heter* exists.⁵⁹

Virtually all *poskim* rule stringently and maintain that the only *heter* is where the wife is present together with her husband – אשתו עמו, or where the wife only leaves temporarily and will return quickly. The mere fact that she is in the same city is insufficient.⁶⁰

Pesach Posuach L'reshus Horabim – An Open Door to a Public Thoroughfare

The *Gemara* mentions an additional method of avoiding *yichud*. One is permitted to be *misyacheid* with a woman in a place where there is an open door to a *reshus horabim*.⁶¹ Virtually all *poskim* agree that it is completely permitted to rely on this method of preventing *yichud*.⁶² The *poskim* explain that the reason that *yichud* in such an area is permitted is because it is as if the people are in a public domain rather than in a secluded area. As a result, there exists the fear of those who are passing by and those who might enter the area unexpectedly.⁶³

Most *poskim* maintain that this *heter* is only applicable if the door is open to a thoroughfare traveled by people who can easily enter the room. The *poskim* mention that during the early evening hours, the house should be well lit, so that people will not be afraid to enter. If the *yichud* is taking place in a location where people do not pass, or if the *yichud* is taking place late at night when people are no longer traveling, then even if there is an open door in the place of the *yichud*, the *heter* would not apply (according to most *poskim*), since there is only a remote possibility that someone will disturb the *yichud*.⁶⁴

There are various opinions amongst the *poskim* as to what constitutes an open door to a public domain in order to permit *yichud* in a private place. Some *poskim* maintain that the door must actually be ajar, while others maintain that it is sufficient for the door to be unlocked.⁶⁵ Rav Moshe Feinstein rules that in a case where people who ring the bell or knock on the door expect to be allowed in immediately and they will become suspicious if no one answers the door, then even if the door to the public domain is locked, the door is considered a *pesach posuach l'reshus horabim* and *yichud* is permitted there.⁶⁶ In the early evening hours when fewer people frequent the streets, one should be stringent and leave the door ajar, even if the house is well lit. As mentioned, in certain areas, this *heter* should not be relied upon at night. Additionally, if it is customary in certain locations not to enter another's house unannounced, the *heter* may not apply.⁶⁷

Poskim maintain that if there is a ground level window which is not covered by a shade and one can easily see what is happening inside (i.e. the room is sufficiently lit), the window is considered a *pesach posuach*, and one may be *misyacheid* there. It is important to remember that one may only be *misyacheid* in the room facing the window. The fact that there is a window in a house open to the street would not permit one to be *misyacheid* in a different part of the house where outsiders cannot be aware of what is happening there.⁶⁸



Halacha Berurah is a bi-weekly publication affiliated with Zeirei Agudath Israel of Brooklyn, NY

Yitzchok Hisiger Managing Editor

Horav Yisroel Belsky Horav Shlomo Miller Halachic Advisory

Mordechai Goldburd Typeset & Design

Rabbi Meier Saslow Administrative Assistant

Avrohom Goldberg Technical Manager

Tzvi Geller Zeirei Liaison

We Need Your Support!

For the funding to continue our Harbotzas Torah, we rely heavily on our readers. Your help in defraying the substantial expenses involved in this project will surely be a tremendous zechus for you and your family.

To dedicate an issue please call Rabbi Meier Saslow at (718) 851-5259. This dedication can be made individually — a relative, in honor of someone, a Bar Mitzvah, Chasuna, Bris, etc. The dedication will appear on all printed issues for that week. If you cannot dedicate an issue, your contribution, in any amount, will be greatly beneficial and appreciated. Donations are tax deductible and should be made payable to Halacha Berurah. Mail to: 1341 East 23rd street, Brooklyn, NY 11210.

This Project is Dedicated לז"י פנחס בן ר' זאב חיה שרה בת ר' יצחק הלוי



- 27. לא מצינו שחולקים הפוס' בכך.
28. ע"י דבר הלכה ב"ח שפסק כן מדברי הסמ"ג, מהרש"ל, וב"ח, וע"י בשרת שבט הלוי שמתמיה למה לא שייך חינוך ע"ו, ואולי י"ל שביחוד שלא שייך לבוא לגלות הערוה, אין זה מצב של יחוד כלל, ואין שייך חיוב חינוך ע"ו, וע"י ספר שער היחוד שלפני זה אסור לקטן או קטנה להתיחד עם העכרים, שבוה שייך גילוי ערוה.
29. ע"י פרטי דינים אלו בשו"ת אג"מ שם שהו"ע וע"י חילוק בין יחוד דאורייתא לרבנן, ועע"י בציץ אליעזר ח"ו.
30. ע"י שו"ת אג"מ סה"כ, וגם בס"ק טז שם.
31. ע"י שו"ת מנח"י ח"ד סי' צד.
32. כ"ך שמעתי מהגר"ש מילר שליט"א וכן נקטו כמה פוס'.

- 1. ע"י קידושין פ' פ"ב, ושורע אב"ע סי' כב שמבואר שם הל' יחוד.
2. ע"י שורע שם סי' א שד"ב זה גורם לגלות הערוה, וע"י אבי עזריה בסוף הל' איסורי ביאה שלומד פשט בשרשי שהו"י איסור עצמי, ולכן סובר רש"י שאף אם ברע"ה בעיר מ"מ אסור ורק שפשוט ממלקות.
3. ע"י שורע שם סי' ב שמלקין שניהם, וע"י ספר שער היחוד קיצור דינים פ"א הע"י ג.
4. ע"י מ"ע ע"ו לו'. דמשמע יחוד בת ישראל דאורייתא היא אף שרק מרומז בפסוק, ע"ש, וע"י סנהדרין כא, וקדושין פ', וע"י טור שם, וע"י ב"י שם ברע"ה המב"ם, וע"י דבר הלכה בריש סי' א, וע"י בית שמואל שם שגם חייבי לאווין בכלל עריות.
5. ע"י ה"ע י'.
6. ע"י ערוה"ש אב"ע סי' כב:א שהוא מן התורה, וכן איתא בחכמ"א, וכן משמע מאג"מ אב"ע ח"ד סי' סה שרק פניה טהורה הוא דרבנן, אכן ע"י נוב"י אב"ע מהדר"ת סי' לו' שמשמע שהוא דרבנן, וצ"ע.
7. ע"י משה ברורה סי' עה ס"י ק"י שסתם פניה הוצתה נדה.
8. ע"י שורע סי' א.
9. כן מבואר בכמה שו"ת ע"פ הכלל ספק דרבנן לקולא.
10. ע"י קידושין פ', ושורע ע"י א.
11. ע"י פ"ת שם סי' ט"א ב שם הב"ח.
12. ע"י מ"ס קידושין פ"א, וע"י ב"ש בס"ק"א, וע"י חלקת מחוקק שם, וע"י רא"ש בקידושין שם, וע"י אג"מ פ"ה ג' וס"ה"א.
13. ע"י שבט הלוי ח"ה סי' ר"א - ר"ב.
14. ע"י אמרי יוסף ח"ב סי' מג, ושמעתי מהגר"ש מילר שליט"א שהעיקר כרעה זו, ורא"י ממה נחשב בקביעות בענין הל' מזוהה, ועוד.
15. ע"י אג"מ שם.
16. ע"י אג"מ שם, ויל"ע אם האח ואחות דר בקביעות ביחד רק שההורים מפקידין באמצע, ומצוי מאד בזמן הקיץ שההורים באים רק לשבת.
17. ע"י אג"מ שם סי' ט"א, וע"י שם בירד ח"ב סי' קל"ז, וע"י שו"ת שם סי' ט"א ע"כ, וע"י שו"ת אחרות דברי דוד סי' לב, שמשמע שיש שאר קרובים שמתר, ולכאן נכלל אלו.
18. ע"י רש"י בקידושין פ"א, וע"י בשרת שלמת יוסף סי' לד מהאגון מרוגזובי, וע"י לבוש אב"ע סי' כה:א דאף שאין איסור אין לעשות כן, וע"י אורז הפוס' בסי' כב, וסברתם דמשבטלו אנשי כנה"ג התאוה לקרובים הותר גם אלו, אכן ע"י אג"מ שם סי' ט"ג, וס"ד:א, וע"י אמרי יוסף ח"ב סי' מג.
19. ע"י שורע שם סי' י"א.
20. ע"י אג"מ שם סה"כ.
21. ע"י אג"מ שם, וע"י נשמת אברהם ח"ה סי' קל"ה בשם הגר"ש אויערבך זצ"ל.
22. ע"י אורח סי' ע"ה:א כבה"ל שם.
23. ע"י חזו"ת סי' ט"ז.
24. ע"י הליכות בת ישראל שכן המנהג בהרבה מקומות.
25. ע"י נשמת אברהם שם שהביא מח' בין הגר"ש"א שליט"א ויבל"ח הגר"ש אויערבך זצ"ל, ויש סברא לחלק בין יחוד לקרש, שבשעת קרש אין דעתם עליהם אבל ביחוד יש טובה שמביא לידי ההרהור, וכן שמעתי מהגר"ש מילר שליט"א שאין לדמות.
26. ע"י אג"מ שם.

לזכר נשמת משלה בן גוגזון ז"כר בת מרים Dedicated by Doniel Gohari

Dedicated לרפ"ש אצ"רים יהושע בן אצמזמה פלורנס חיה צפורה בת חנה and in honor of עזרא ויפה ארנז Dedicated by Edmund Erani

MAKE THIS YEARS PESACH DIFFERENT IN ERETZ YISROEL SUPPORT THE VENERABLE WHO SUFFER THE MOST DURING THESE TRYING TIMES Rebbe Meir Baal Haneess Charities Kollel Aharav Yisroel Yerushalayim Central Office: 1231 51st Street - Brooklyn, NY 11219 Tel: 718-686-1315 - Fax: 718-435-0348